

### Remarks

Claims 1, 8-9, 14, 17-18 and 23 are amended herein. Claims 1-24 remain pending in the Application.

### Claim Objections

In the Office Action, Claim 21 is objected to for a typographical error. Applicant has corrected the typographical error of Claim 21. Therefore, the objection with respect to Claim 21 is overcome.

### Rejection under 103(a)

#### Claims 1-24

In the Office Action, the Examiner rejected Claims 1-20 under 35 USC 103(a) as being anticipated by Shimura (6370687). Applicant has reviewed the Office Action and believes the Examiner meant to reject Claims 1-24 under 35 USC 103(a) as being anticipated by Shimura and has responded accordingly. Applicant has reviewed Shimura and respectfully states that Shimura does not teach nor render obvious the present invention for the following rationale.

Applicant respectfully states that Claims 1, 9, 14, 18 and 23 include the feature "storing code segments on the client device." Support for the Claimed feature can be found throughout the Specification including Figure 2B and the associated discussion.

Applicant respectfully disagrees that Shimura teaches or renders obvious the feature of Claims 1, 9, 14, 18 and 23. As the Examiner has stated, Shimura does not teach code segments but teaches class files. Moreover, Shimura does not teach storing the class files on the client CPU. Instead, Applicant understands Shimura to teach storing the class files on the substitute compiler server thereby being available for a plurality of clients.

That is, Applicant understands Shimura to teach a substitute compiler server associated with clients and providing an access to a web server on a network such as the Internet. Moreover, Applicant understands Shimura to teach that the substitute compiler server is a proxy server having a function of compiling JAVA program in the form of a virtual machine computer program provided by the web server in response to a request from the client. That is, Applicant understands Shimura to teach a server execution model in combination with a virtual machine model as described in the background section of the present application.

Included in the background section are a number of problems associated with the server execution model and virtual machine model including server execution models being impractical when used in larger more diverse networks and virtual machine models not supporting legacy code applications. For example, as Shumura clearly shows in Figure 1 and describes in the specification, since each client must access the substitute compiler server, a significant bandwidth problem will be recognized as the client base grows. This problem is addressed in the background section including the problems associated with bandwidth.

For example, if a spreadsheet application were implemented using a server execution model, and if a user attempted to create a graph of the spreadsheet data, the graphic data must be transmitted to the client, which could be time consuming. Furthermore, a reliable connection must exist between the server and client at all times and many clients are coupled to the Internet using relatively slow methods, such as dial-up modems. Even high speed connections, such as digital subscriber lines (DSL) and cable modems are typically one or two orders of magnitude slower than an Ethernet connection. Finally, and perhaps most importantly, this model has poor scalability. As additional clients attempt to access the application, the server must execute the application for each client.

Therefore, Applicant respectfully submits that Shimura does not teach nor render

obvious the present claimed invention as recited in Claims 1, 9, 14, 18 and 23, and as such, Claims 1, 9, 14, 18 and 23 are in condition for allowance.

Moreover, Applicant respectfully states that Claims 1, 9, 14, 18 and 23 include the feature “wherein a granularity of the code segment is dynamically tailored to the client to balance server-side and client-side execution and client-side storage requirements, and is configured based on predicted code segment usage or prior code segment usage history.” Support for the Claimed feature can be found throughout the Specification including Figure 2B and the associated discussion.

Applicant does not understand the teachings of Shimura to address or make obvious the dynamic tailoring of the code segment per client to balance server-side and client-side execution and client side storage requirements. That is; Applicant understands Shimura to utilize the substitute compiler server as a proxy server having a function of compiling JAVA program in the form of a virtual machine computer program provided by the web server in response to a request from the client.

• In other words, Applicant does not understand Shimura to teach client side storage of code segments. Instead, Applicant understands Shimura to teach storage of class files at the substitute compiler server. Therefore, Applicant does not understand Shimura to teach or render obvious the feature wherein a granularity of the code segment is dynamically tailored to the client to balance server-side and client-side execution and client-side storage requirements, and is configured based on predicted code segment usage or prior code segment usage history.

Therefore, Applicant respectfully submits that Shimura does not teach or render obvious the present claimed invention as recited in Claims 1, 9, 14, 18 and 23, and as such, Claims 1, 9, 14, 18 and 23 are in condition for allowance.

Accordingly, Applicant also respectfully submits that Shimura does not teach or render obvious the present claimed invention as recited in Claims 2-8, 10-13, 15-17, 19-22 and 24 which are dependent on allowable Independent Claims 1, 9, 14, 18 and 23 and that Claims 2-8, 10-13, 15-17, 19-22 and 24 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2-8, 10-13, 15-17, 19-22 and 24 are allowable as pending from allowable base Claims.

Conclusion

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 1-24.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,  
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